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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,890	06/08/2001	Frank Diebolt	Q64615	7222

7590 08/19/2005

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Washington, DC 20037-3213

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/875,890

Applicant(s)

DIEBOLT ET AL.

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on February 15, 2005 has been entered. Claims 1-10 have been amended. No claims have been canceled. No claims have been added. Claims 1-10 are pending in this application, with claims 1 and 9 being independent.

### *Claim Rejections - 35 USC § 103*

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,230,024) in view of Mohebbi et al (US PAT # 6,925,303).

Regarding claim 1, Wang et al. discloses a method for transferring a process command (or *AT command*) from a wireless telecommunications device (i.e. *mobile station 104*) inside a cellular telecommunications network (See Fig. 1, 100) covered by a base station (See Fig. 1, 102) recognizing said wireless telecommunications device when active, to some terminal (i.e. *fax 124*) which is part of a network (i.e. *PSTN 128*) (See Col. 3, lines 44-48) while said terminal is related to said cellular telecommunications system through at least a computer (or *CPU 610*) (See Fig. 6, Col. 7, lines 59-64), said method comprising, generating said process command on said wireless telecommunications device for said transfer (as read on "*mobile station 104 generates and transmits the AT+CFG="" signal 310...*") (See Col. 6, lines 46-57); transmitting a radio signal related to said process command from said wireless telecommunications device to one of said base station (See Col. 6, lines 57-59);

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forwarding at least part of said process command from said base station to said computer (See Col. 7, lines 59-64); applying some rules on said computer (may be read on the process following a user depression of a select button) to select said terminal being in a same cell of said cellular telecommunications system as said base station which received said radio signal; and performing at least part of said process command on said terminal (as read on "It is understood that this process may also work in reverse order")(See Col. 3, lines 34-48).

Wang does not specifically teach the use of two cells. Wang also does not teach the feature of "applying some rules on said computer to select said terminal".

However, Mohebbi teaches a cellular mobile communication network that comprises at least two different candidate base transceiver stations and a mobile station that receives downlink signal from the base stations (see col. 3, lines 15-20). Mohebbi specifically teaches selecting one of the candidate base transceiver station to be used to transmit the subsequent downlink signal to the mobile station (see col. 3, lines 29-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of selecting a specific station (terminal), as taught by Mohebbi, into the Wang system in order to enhance the efficiency of the system by transmitting the information to the right destination. This

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also, will add flexibility to the user by allowing him/her to choose to which terminal that he/she transmits the information.

Claim 2 recites "selection of the terminal is preformed by a user of said wireless communication device". Mohebbi teaches that the selection of the candidate base transceiver station is done automatically and not by the user (manually). However, examiner takes official notice that selecting the terminal by the user is old and well known in the art. Also, a function can be preformed either automatically (by the system) or manually (by the user). See *In re Venner*, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958); the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient over prior art.

As for claim 3, the limitation specifying "activation of a print of some data accessible via said wireless telecommunications device" reads on the inverse process of send a fax from the *MS 104* to the *fax 124* (See Col. 3, lines 34-48).

As for claims 4 and 6, it is well known in the art that fax machines perform a process of printing data sent to the facsimile machine (or "transfer of telecommunications connection", thus the fax machine behaves as a printer.

As for claim 5, the Examiner takes Official Notice that systems and methods exist in the art to display a fax transmittal in a monitor.

As for claim 7, it can be seen in Figure 1 that fax 124 is characterized is at least in part a telephone (or *telephone 132*).

As for claim 8, the “programming code generating a process command to be transferred from said wireless telecommunications device to some terminal...” reads on the process performed by Wang’s et al. system after receiving the AT dial command. (See Col. 6, line 39 through Col. 7, line 11).

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,230,024) in view of Baker et al. (US 6,195,545).

As for claim 9, Wang et al. lacks the limitations “a network made of at least two different terminals” and “said processing means performing a selection between said terminals for finding said terminal, being in the same cell as said wireless telecommunications device at the time said process command was generated on it, and toward which subsequently at least part of said process command is sent”.

Baker et al. teaches “The binding is based on a determination of the proximity of the mobile to the other terminal, such that the mobile registers to different complex system terminals as it moves between different cells of the system. In accordance with the claims, a proximity-based temporary association is established, in a memory of a

system switch, between the mobile and at least one other system terminal. While the mobile is "registered" in this manner to the other terminal, the mobile user can request permission to utilize the functions of the other terminal in order to, for example, receive incoming calls or place outgoing calls. Other embodiments in Baker provide proximity-based registration, which utilizes a beacon device carried by the user, such that the user automatically registers to different system terminals as he or she moves about within the system." (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Wang's et al. system as per the teachings of Baker et al. and thus in this manner provide a system capable of selecting a communications terminal based on the proximity to a mobile telephone or wireless device.

As for claim 10, the messaging system reads on the digital fax transmission taught by Wang et al.

### ***Response to Arguments***


4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Examiner  
Rasha S. Al-Aubaidi  
Art Unit 2642  
08/18/2005**